

John T. Wilson* (Texas Bar No. 24008284)
Jennifer M. Rynell* (Texas Bar No. 24033025)
eservice@wwrlegal.com

WILSON WHITAKER RYNELL

Wilson Legal Group P.C.
16610 Dallas Parkway, Suite 1000
Dallas, Texas 75248
(T) 972-248-8080
(F) 972-248-8088

**Pro Hac Vice*

Glenn T. Litwak (State Bar No. 91510)
glenn@glennlitwak.com

LAW OFFICES OF GLENN T. LITWAK

201 Santa Monica Boulevard, Suite 300
Santa Monica, California 90401
(T): 323-518-2826
(F): 310-207-4180

**ATTORNEYS FOR DEFENDANT X
SEPARATOR LLC**

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

PCR DISTRIBUTING CO., a
company organized under the laws of
California,

Plaintiff

vs.

JOHN DOES 1-20 d/b/a
NHENTAI.NET,

Defendants

Case No. 2:24-cv-07453-CV-AJR

**DEFENDANT X SEPARATOR LLC'S
NOTICE OF MOTION AND
UNOPPOSED MOTION FOR LEAVE
TO FILE FIRST AMENDED ANSWER,
AFFIRMATIVE DEFENSES, AND
COUNTERCLAIMS; MEMORANDUM
OF POINTS AND AUTHORITIES IN
SUPPORT** Filed herewith: Exhibits A and
B, Proposed Order

Date: Friday, October 3, 2025;
Time: 1:30 p.m.
Place: First Street Courthouse
350 W. 1st Street, Courtroom 10B
10th Floor
Los Angeles, California 90012
Honorable Judge Cynthia Valenzuela
Trial Date: None set

1 **PLEASE TAKE NOTICE** that on October 3, 2025, at 1:30 p.m. or as soon
2 thereafter as the matter may be heard in the above-entitled court, located at First
3 Street Courthouse, 350 W. 1st Street, Courtroom 10B, 10th Floor, Los Angeles,
4 California 90012, Defendant X Separator LLC (“Defendant” or “X Separator”)
5 hereby moves this Court for an order granting Defendant leave to file a First
6 Amended Answer, Affirmative Defenses, and Counterclaims (“Motion”). A clean
7 copy of the proposed First Amended Answer, Affirmative Defenses, and
8 Counterclaims is attached hereto as **Exhibit A**. A redlined copy of the proposed First
9 Amended Answer, Affirmative Defenses, and Counterclaims is attached hereto as
10 **Exhibit B**. This motion is made following the conference of counsel pursuant to L.
11 R. 7-3, which took place on July 25, 2025 via telephone and during which counsel
12 for Plaintiff stated that Plaintiff does not oppose Defendant’s Motion.

13 The proposed substantive amendments include the addition of counterclaims
14 for fraud/intentional misrepresentation and negligent misrepresentation and new
15 factual allegations in support thereof at page 19-26, paragraphs 1-54; Defendant’s
16 Prayer for Relief, and Jury Demand. These claims are asserted against Plaintiff PCR
17 Distributing Co. and its stated d/b/a’s J18 Publishing and JAST. There are also minor
18 revisions to the title of the document and introductory paragraph on pages 1 and 2
19 of the First Amended Answer, Affirmative Defenses, and Counterclaims.

20 This Motion is made on the grounds that, under the liberal pleading standards
21 of Federal Rule of Civil Procedure 15, a motion for leave to amend should only be
22 denied if the nonmovant can show undue prejudice, undue delay, bad faith or dilatory
23 motive, or futility. Allowing Defendant to amend its answer and assert counterclaims
24 will not cause Plaintiff any prejudice, will not delay resolution of this case, it is not
25 brought in bad faith, and no dilatory motive exists. The proposed amendments are
26 timely, meritorious, are offered in good faith, and for good reasons. Further,
27 Plaintiff’s counsel has stated that Plaintiff ***does not oppose*** this Motion.

1 Defendant requests an order that it may file its proposed First Amended
2 Answer, Affirmative Defenses, and Counterclaims as a separate document in the
3 Court's CM/ECF System. This Motion is based on this Notice of Motion and Motion
4 for Leave to File First Amended Answer, Affirmative Defenses, and Counterclaims
5 and the Memorandum of Points and Authorities in support, the clean and redlined
6 proposed First Amended Answer, Affirmative Defenses, and Counterclaims filed
7 concurrently herewith, documents on file in this action; and such further or
8 additional evidence or argument as may be presented relating to the Motion.

9 **DATED:** August 25, 2025

Respectfully submitted,

10 By: /s/ Jennifer M. Rynell

11 John T. Wilson (*Pro Hac Vice*)

12 Texas Bar No. 24008284

13 Jennifer M. Rynell*

14 Texas Bar No. 24033025

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27 **SEPARATOR LLC**

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Defendant X Separator LLC (“Defendant” or “X Separator”) hereby moves
3 the Court for leave to file a First Amended Answer, Affirmative Defenses, and
4 Counterclaims pursuant to Federal Rule of Civil Procedure 15.

5 **THE PROPOSED AMENDMENTS**

6 Defendant’s proposed substantive amendments include the addition of
7 counterclaims for fraud/intentional misrepresentation and negligent
8 misrepresentation and new factual allegations in support thereof at page 19-26,
9 paragraphs 1-54; Defendant’s Prayer for Relief, and Jury Demand. These claims are
10 asserted against Plaintiff PCR Distributing Co. and its stated d/b/a’s J18 Publishing
11 and JAST. There are also minor revisions to the title of the document and
12 introductory paragraph on pages 1 and 2 of the First Amended Answer, Affirmative
13 Defenses, and Counterclaims.

14 **ARGUMENTS AND AUTHORITIES**

15 Under the liberal pleading standards of Federal Rule of Civil Procedure 15,
16 leave to amend should be freely given whenever justice requires. Fed. R. Civ. P.
17 15(a)(2). This policy is applied with “extraordinary liberality.” *Morongo Band of*
18 *Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9th Cir. 1990). Under Supreme Court
19 and Ninth Circuit precedent, leave to amend pleadings should be granted in the
20 absence of a showing by the nonmovant of undue prejudice, undue delay, bad faith
21 or dilatory motive, or futility. *See e.g., Foman v. Davis*, 371 U.S. 178, 83 S.Ct. 227,
22 9 L.Ed.2d 222 (1962); *Eminence Cap., LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051–
23 52 (9th Cir. 2003).

24 In addition to the fact that the Motion is unopposed, allowing Defendant to
25 amend its answer and assert counterclaims will not cause Plaintiff any prejudice,
26 and will not delay resolution of this case. This Motion and the accompanying
27 counterclaims are not brought in bad faith and no dilatory motive exists. The

1 proposed amendments are timely, meritorious, are offered in good faith, and for
2 good reasons. In this case, no scheduling order has been entered - only a proposal
3 filed by the parties in conjunction with the Rule 26(f) Report, no trial date has been
4 set, and no scheduling conference has occurred.

5 **CONCLUSION**

6 Defendant respectfully asks the Court to grant it leave to amend its pleadings
7 as shown in **Exhibit A** (proposed First Amended Answer, Affirmative Defenses,
8 and Counterclaims) and **Exhibit B** (redline of proposed First Amended Answer,
9 Affirmative Defenses, and Counterclaims).

10 **DATED:** August 25, 2025

Respectfully submitted,

11 By: /s/ Jennifer M. Rynell

12 John T. Wilson (*Pro Hac Vice*)

13 Texas Bar No. 24008284

Jennifer M. Rynell*

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28 **SEPARATOR LLC**

1 **L.R. 7-3 CERTIFICATE OF CONFERENCE OF COUNSEL PRIOR TO**
2 **FILING OF MOTION**

3 I hereby certify that this Motion is made following the conference of counsel
4 pursuant to Local Rule 7-3. The conference of counsel took place by phone on July
5 25, 2025 (at least 7 days prior to the filing of the Motion). Counsel for Defendant
6 disclosed the bases and substance of the Motion and the parties discussed the
7 substance thoroughly. Counsel for Plaintiff stated during that conference that
8 Plaintiff was *not opposed* to the Motion.

9 /s/ Jennifer M. Rynell
10 Jennifer M. Rynell

11 **L.R. 11-6.2. CERTIFICATE OF COMPLIANCE**

12 The undersigned counsel of record for Defendant certifies that this brief
13 (including the notice of motion and memorandum of points and authorities) contains
14 1,123 words, which complies with the word limit of L.R. 11-6.1.

15 /s/ Jennifer M. Rynell
16 Jennifer M. Rynell
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